

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 460 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 434 OF 2019**

Pankaj Shamrao Gaikwad	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Manisha Arjun Devkar for Applicant.
Mrs.J.S. Lohokare, APP for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 5th September 2019.

PC. :

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] The applicant is accused No.1 in R.C.C. No. 144 of 2013. The applicant has been convicted along with co-accused for the offence punishable under Section 379 read with 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5,000/-, in default of payment of fine to further suffer simple

imprisonment for one month, by the learned 7th Judicial Magistrate First Class, Pandharpur, by its Judgment and Order dated 10th November 2014.

The Criminal Appeal No. 53 of 2014 preferred by the applicant has been turned down by the learned Extra Joint Additional Sessions Judge, Pandharpur, by its Judgment and Order dated 22nd July 2019.

3] The learned counsel for the applicant submitted that, during the pendency of the appeal, the applicant has deposited fine amount in the trial Court.

4] As the maximum sentence imposed upon the applicant is one year of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicant and to release him on bail.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

- (a) The applicant be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.*
- (b) The procedure for bail be complied with before the trial Court.*
- (c) After his release from jail, the applicant shall attend the trial Court on every first Monday of every third month between 11.00 am and 2.00 pm and mark his presence. If the said Monday comes on a holiday or non Court working day, the applicant shall mark his presence immediately on the next working day.*

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]